

Using Technologies in Crime Prevention and Detection in Nigeria: Legal Issues and Challenges

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Abstract – This paper examined technologies being used in crime prevention and detection with a view to identifying such technologies, legal issues and the challenges involved in the application of these technologies and attempted to forge an acceptable legal framework for the use of technologies in crime prevention and detection in Nigeria. Both primary and secondary sources of data were used. Primary sources include books, journal, publications, dailies, conventions and a host others. Secondary sources include materials sourced from the internet. The study revealed that though there are quite a good number of technologies for crime prevention and detection, the major issues involved are the human right abuse and the challenges of training the staff who are expected to apply these technologies among others. The study concluded that though there is need to employ sophisticated technologies in view of the alarming rate of crime commission worldwide and particularly in Nigeria, however, these technologies need to be reviewed to soften the hardship and human right abuses which are found in the application of the technologies. This can be achieved by putting in place an acceptable world standard and robust legal framework that would help in the mitigation of hardship and human abuses that are embedded in the application of the technologies.

Keywords – Crime Detection, Crime Prevention, Legal Issues and Technologies

I. BACKGROUND

The degree and extent of crime commission generally in the world and particularly in Nigeria have necessitated the need to look beyond the conventional methods or traditional means of preventing and detecting crime. Crime prevention and detection traditionally include among others non-scientific methods such as foot patrol, community policing, swearing before the god of iron, the use of holy books (Qur'an and Bible) to swear, public disgrace such as incarceration and a host of others.

The history of crime prevention stretches back for over two hundred years. It has become common place to understand the problem of crime as it was set out by the classical liberal philosophers in the 18th century. Their understanding of society is predicated on a view of humanity where home being, or the rational man prevailed. According to [1], the prevention of crime can be analysed in two ways. First, it was important to ensure that crime did not pay and that the consequence of committing crime far outweighed the advantage which accrued to the law-breaker. Hence, the building of a state infrastructure of policing, courts and prison became necessary. Each citizen was expected to fashion out strategies of countering threat to criminality consequently, the state and individuals have dual roles to play in the prevention of crime.

[2] is also of the view that preventing partnership is critical in achieving preventive goal of crime. There should be synergy among various stakeholders including individuals, state

institutions, community based organizations and others to pool expertise and resources together purposely to prevent crime from being committed. This assertion was also established by [3] that crime prevention is a collaborative work of different stakeholders.

In the United Kingdom, situational crime prevention project have moved from the use of CCTV surveillance system to Technological advancement that enable national authorities to record, monitor and scrutinize phone calls, messages posted on social media. However, a lingering objection to this is the possibility of violating human rights especially the secrecy of the person concerned [4].

The rate of crime commission in Nigeria since independent has been described as progressively alarming and came to peak in the last four years with the activities of Boko Haram, kidnappers, armed robbers in the Northern and Southern parts of the country respectively [5]. Several lives and properties have been lost due to the killing by Boko Haram, kidnapping, armed robberies, sea pirating and other related crimes. For example recent studies have shown that the economy of the states (Bornu, Yobe, Adamawa and Kano) where Boko Haram had carried out their nefarious acts has nose-dived [6].

Technology has been identified as a major instrument to prevent and detect crime especially in development countries[7]. Technology within the context of this paper includes tools, processes, and techniques [8].

The rate of insurgency in Nigeria has been giving the incumbent government sleepless night to the extent that hope is almost lost when it was discovered that despite all efforts of the Federal Government to curtail the activities of criminals, it seems the problem almost defy all logical solutions.

It is against this backdrop that this paper attempts to examine the impacts of introducing modern technologies to combat crime with a view to identifying possible legal issues and challenges that may inhibit the operation of these technologies.

II. Methodology

Both primary and secondary sources of data collection methods were used. Primary sources include legislation, treaties, judicial authorities, convention and a host of others. Secondary sources on the other hand include books, journal, publications, dailies and materials sourced from the internet among others.

III. LITERATURE REVIEW

Literally in this context, the word technology includes the application of scientific knowledge for practical purposes or the use of machinery or tools/ techniques for the attainment of a goal/objective. Below are the various technologies used in crime prevention.

(a) Technologies Used in Crime Prevention and Detection

A cursory review of the historical development of efforts to prevent crime underscores the point that technology or more precisely technological innovation has been the driving force leading to reform of crime prevention and crime control strategies [9]. The first technology revolution in the United State that changed the way police were organized and how they operated centered around three technological innovations that were incorporated into policing; the telephone, the two-way radio and the automobile [10]. Several other scholars have posited that we are in the beginning stages of a second technologies revolution, which will once again dramatically change police organization and administration [11]. The need for technological innovation in crime prevention has also been stressed in Corbertt and Marx as follows:

New technology is inherently attractive to an industrial society. It's risky to be against new technology, however mysterious its operations or recondite its underlying engineering. Technical innovation becomes synonymous with progress. To be opposed to new technology is to be a heretic, to be old-fashioned, backwards resistant to change, regressive, out of step [11].

In view of the above positions of scholars on Technologies and Crime prevention and detection, it is not an overstatement to conclude that technology may play a dominant role in reducing crime in Nigeria.

Also, modern technologies used in crime prevention and detection would be categorized into three (3) for the purpose of this paper namely: technologies of surveillance and detection, technologies of blocking and access control and technologies of restraint.

(b) Technologies Surveillance and Detection

Important amongst these technologies include:

Metal Detector Technology: The metal detectors in airports, office building, schools, government agencies and prisons help ensure that no one is bringing weapon into the premises.

Though metal detectors have been found useful in public places. stationery metal detectors, have been found capable of isolating harmful metal oriented objects, it has been found that such detectors are capable of creating prison-like or stiff environment and thereby adversely implicate the climate of the school.

Radar: The term radar was introduced in 1940 by the United State Navy as an acronym for radio detection and ranging [12]. Radar when effectively used could prevent or minimize overspeeding on Nigeria roads.

Furthermore, street lighting has been discovered to be capable of increasing visibility, hence improve the chance of exposing the criminals. Other technologies of surveillance and detection include but not limited to Red Light Camera, Closed Circuit Transmission (CCTV) and Home Alarm System. CCTV is capable of detecting crimes and facilitates the identification of offenders. CCTV has had a very important role in counter terrorism [13]. It is also useful in traffic management, hazard management and personal safety amongst others. However, as useful as CCTV is, most Local Government in America do not buy the idea of CCTV, because they are not convinced that it could reduce crime.

It should however be noted that the efficiency or otherwise of these technologies is a function of many factors ranging from proper deployment, training of officers handling them, and intelligence gathering to assist in the utilization of the technology in question.

(c) Technology of Blocking and Access Control

Various methods or technologies have been developed which make crime more difficult to commit by impeding access to a

target. Prominent amongst these technologies are smarter locking technology which makes it difficult for vehicles to be stolen, retina imaging, voice print, hand geometry readers and other biometric technologies. These biometric technologies are used for verification and identification of persons by various psychological characteristics.

Other technologies of blocking are car radio or television blocking device, which makes it impossible for those gadgets to be operated unless certain codes are entered.

(d) Technologies of Restraint/Incapacitation

Technologies of incapacitation can be applied to demobilize vehicle or criminals. A technology developed to stop a moving vehicle on high speed is to check excessive speed. Such technology involve transmitting a short electromagnetic pulse which can damage the electronic components of a vehicle's ignition system and cause it to stop. Another technology of restraint include a technology that can identify a fleeing vehicle which is called the use of lagging system. This would involve a small adhesive projectile containing a radio - frequency transmitter which will permit identification of the vehicle location. Technologies such as chemical incapacitation, electrical incapacitation and pharmacological substances are capable of restraining suspects.

(e) The role of Geospatial Technology

A large geographical area like Nigeria with about 923, 768 km² requires more sophisticated technology like Global (GPS) and Geographical information system are used to track the information about a particular area and movement of suspected criminals with the available data and video. The technology enables the police to take action proactively.

IV. LEGAL ISSUES

Most of the legal issues involved in the application ci technologies to prevent and detect crime has something to do with human rights issues and admissibilities of evidence arising from the application of the technologies. In Nigeria for example Section 37 of the 1999 Constitution as amended provides "the privacy of citizen, their homes, correspondence, telephone conversation and telegraphic communications is hereby guaranteed and protected". Consequently, installing CCTV in public buildings may violate the provision of the constitution.

Inapplicable provisions due to antiquated definition of the elements or words is also part of the legal issues that should be addressed. What is however applicable in Nigeria is lack

of relevant laws for the few technologies that are in existence.

Furthermore, limited duration time for digital evidence is a serious legal issue involving the application of new technologies for crime prevention and detection. Under normal circumstances, image or evidence gathered electronically has time durations, unless and until the duration is extended.

In the matter of truth serum induced confessions, the application of this technique which involves injecting a suspect with hypnotics like sodium pentothal or sodium amytal raises some legal issues such as encroachment of an individual's rights, liberties, freedom amongst others. Evidence resulting from inducement of suspect is another major setback. Under the Evidence Act. LFN, 1990. Section 28 provides "A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court to have been caused by any inducement threat.

In conclusion, it is observed that the use of modern technologies for crime prevention and detection is faced with enormous legal issues.

V. CHALLENGES

Though modern technologies have been adjudged appropriate to pre eat and detect crime, some of them have been discovered to pose serious problems in the acquisition and deployment of same. For example, it has been discovered that CCTV does not always provide the benefits expected of it Major challenges include poor camera positioning, poorly maintained equipment, lack of recording facilities. Conversion of mages into a form that can easily be used by judges in court is another challenge. The use of CCTV may eventually result to intrusion into another person's environment of which the CCTV is not originally installed to cover. Such intrusion may be subject of litigation. Other challenges as may be posed by the introduction of new technologies include but not limited to:

- (1) Training of criminal justice professionals such as judges, lawyers, police and a host of others.
- (2) Risk in operation form is another major challenge. For example, some technologies such as pepper spray, tear gas, hot water spray could be harmful to the operators if not properly handled.
- (3) Political leadership - The incumbent government may not consider it politically expedient to introduce new technologies.

- (4) Ethical challenge - This include the look worm attitude of government officials towards introducing new technologies. Lack of awareness, campaign also hinder the acceptability of the new technology by the right institutions charged with check and balance.

VI. LEGAL FRAMEWORK FOR NEWTECHNOLOGIES

A framework is the structure of particular system. It is a set of belief, ideas or rule that is used as the bases for making a judgement [14].

In developed countries like USA and the United Kingdom, there exists some code of practice that guide the operations of technologies for crime prevention and detection. In Britain for example, there are primary legislation in place and efforts are being made to enact more legislations that would enable the public have confidence in the use of some of the technologies. In Nigeria, it is necessary for the authority to evolve a legal framework for the purposes of addressing legal issues and challenges that may arise in the process of using the technologies. Such framework are suggested below:

- (1) Establishment of a department within the ministry of justice to be headed by the legal officer to monitor the operation of the technologies for detecting and preventing crime, especially those technologies that are prone to human right abuses, such as CCTV, truth serum, tear gas and a host of others.
- (2) The National Assembly should make laws, that would check the excesses of operators of the technologies and enable court 10 make use of evidence derived from the electronic version of some of the technologies. Such laws to be made or enacted could be incorporated in our Evidence Act, Police Act, Laws of the Federation of Nigeria, 2004.
- (3) The law empowering the security agents to use these technologies with little or no itch should be enacted. The Nigerian Communication Commission has produced a legal draft document which when passed into law would empower the National Security adviser and security agencies to intercept communications for the purpose of preventing organised crime.
- (4) Training of criminal justice professionals. especially the police is

important as a rule, so as to avoid misuse of the technologies.

VII. CONCLUSION

It is a common fact that the rate of criminality is on the increase worldwide, and their activities are becoming more dangerous for the society to bear. Criminals have evolved a new but dangerous techniques of committing crime, hence, there is need to come out with innovative ideas inform of applying modern technologies to deal with the situation.

However, as appropriate as some of these technologies are especially in advanced countries, there are fundamental legal issues and challenges involved in applying the technologies. These notwithstanding, it is concluded that there is urgent need for the government to come out with innovative technological ideas and legal framework that would assist in confronting the dangerous acts and pattern of criminal activities particularly terrorism in Nigeria.

VIII. RECOMMENDATIONS

The following recommendations have been suggested regarding the use of technologies for detecting and preventing crime in Nigeria:

1. Government of Nigeria should as a matter of necessity embrace new and modern technologies to fight terrorism particularly and criminal activities in general. This becomes necessary in view of the great threat terrorism pose to the government.
2. Establishment of a department within the Federal Ministry of justice that would monitor the operation of the technologies for detecting and preventing crime, particularly those technologies that are prone to human right abuse.
3. The police service commission should be strengthened to also handle issues arising from the abuse of the operation of them technologies.
4. Training of operators of the technologies within the context of provisions of laws guiding human right issues.
5. Public enlightenment concerning the need to use modern technologies to combat crime is important, including testing the technology before use.
6. Maintenance of the technologies to guarantee efficiency is equally necessary. The cost of installing CCTV for example is colossal, hence

it should be maintained to get the best result out of it.

Handlers and operators of technologies for crime prevention and detection should be exposed to national and international seminars on likely abuses of these modern technologies. Expectedly, such trainees would have mastered the operation of such technologies in such a manner to reduce the abuses. -

REFERENCES

- [1] Garland.D. (2000) 'Ideas, Institutions and situational crime prevention', in A. Von Hirsch, D. Garland and A.Wakefield (eds) *Ethical and Social perspectives on Situational crime prevention*, Oxford ;Hart Publishing , pp1-16.
- [2] Garland, D. (2001) *The Culture of Control*, Oxford: Oxford University Press.
- [3] Home Office (1984) *Crime Prevention*, Circular 8/1984, London: Home Office
- [4] Crawford, A. (1998) *Crime Prevention and Community Safety*, Harlow: Longman.
- [5] *The Economist* July 14th, 2012, Lagos.
- [6] *The Leadership Newspaper*, March 26, 2013 (Lagos).
- [7] *The Punch* (Lagos), January, 29th, 2012.
- [8] Borgman, 2006, *Technology as a Cultural Force: The Canadian Journal of Sociology* 31(3) pp. 351 – 361.
- [9] Reichert, KK. "Use of Information Technology by Law Enforcement". *Promising Approaches to Addressing Crime Series*. University Pennsylvania, Jerry Lee Centre of Criminology, Forum on Crime and Justice 2001.
- [10] Harris, C. "Police and Soft Technology: How Information Technology Contributes to Police Decision Making" In: Byrne, J. and Rebovicch, E. (2007) *The New Technology of Crime, Law and Social Control*, Monsey, NY: Criminal Justice Press, 2007, p. 153 – 183.
- [11] Corbett, R. and Marx, G. "Crtitique: No Soul in the New Machine: Technofallacies in the Electronic Monitoring Movement". *Justice Quarterly*, 1991, 8(3): 359 – 414.
- [12] Raymound C. Watson: *Radar Origins worldwide*. U.S.A Tafford Publishing. 2009, pp. 1-2
- [13] CCTV helped in the investigation of terrorist attack in London on 21st July, 2005.
- [14] Oduola I.A 'Evaluating the management practices of R & D organisations in Nigeria Unpublished Ph.D Thesis faculty of technology O.A.U, Ile-Ife. 2003.



AUTHOR'S PROFILE

Dr(Barr) Omoleke Muslim was born in Ikire, Irewole Local Government area of Osun State, Nigeria. He attended Ife City College between 1976 and 1980 where he obtained his West African School Certificate with Division One. He later proceeded to the University of Ife between 1981 and 1985 and came out with B.Sc Education/Economics. He also acquired the following qualifications from the same university: Master of Business Administration (MBA) in 1995, Master of Philosophy (M.Phil) in Management and Accounting in 2001 and a Doctor of Philosophy degree in Technology Management (Ph.D) in 2010. Because of his flair for academics, Dr. Omoleke went back to read Law at the same university and got his LLB in 2002. He also read Master degree in Law (LLM) with Specialization in criminology and Penology. Furthermore, he attended The Nigerian Law School, Abuja and was called to the Nigerian Bar in 2004. Dr. Omoleke works with the Independent National Electoral Commission as a Director of Administration/Administrative Secretary. He has attended both Local and International Conferences and written many published articles in Local and International Journals.